TO: DEPT. OF CENERGY 14-CV-00172-LAP DOCUMENT SANTISCO APT/28/14LY Mage 1; OM 19064/D5-229 DEPT. OF HEALTH&HUMAN SERVICES DEPT. OF DEFENSE

DEPT.OF JUSTICE

CENTRAL INTELLIGENCE AGENCY

APRIL 24, 2014

CSATF, P.O.BOX 5242; CORCORAN, CA 93212

CIVIL DOCKET FOR CASE #: 1:14-CV-00172-UA (SDNY) AND: CHIEF JUDGE LORETTA A. PRESKA

RE: FEDERAL TORT CLAIMS ACT 28 U.S.C. :ADMINISTRATIVE CLAIM FOR MONETARY DAMAGES

RE: HUMAN RADIATION/MEDICAL EXPERIMENTATION

TO WHOM IT MAY CONCERN:

I, JAMES PATRICK FLYNN III, DO HEREBY FILE AN ADMINISTRATIVE CLAIM UNDER THE "FTCA" FOR MONETARY DAMAGES DUE TO HUMAN RADIATION AND MEDICAL EXPERIMENTATION CONDUCTED BY YOUR AGENCY/DEPARMENT AND PREDECESSORS, IN COLLABORATION WITH MONTEFIORE MEDICAL CENTER, BRONX, NY, AND ALBERT EINSTEIN COLLEGE OF MEDICINE OF YESHIVA UNIVERSITY, ON (ME) AS A CHILD IN THE 1960'S & 1970'S, WHICH RESULTED IN MY DEATH AND PERMANENT INJURY TO MY BRAIN, ETC.

PLEASE NOTE THAT IN ACCORD WITH "FTCA" PROCEDURE I AM REQUESTING A "FINAL WRITTEN DETERMINATION". SIX MONTHS AFTER THE DATE OF THIS CLAIM I WILL SEEK TO AMEND YOUR AGENCY/DEPT. TO LIST OF DEFENDANTS AFFOREMENTIONED. I AM WILLING TO SUBMIT ALL MY MEDICAL RECORDS, ETC., TO PROVE I WAS AN INNOCENT VICTIM OF UNTHINKABLE ATROCITIES WHILE AT MONTEFIORE HOSPITAL. I THANK YOU FOR YOUR TIME AND CONSIDERATION OF THIS REQUEST.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED THIS DAY OF APRIL 24, 2014.

NAME: JAMES PATRICK FLYNN III

SIGNATURE: Level 74 DOB: SUNE 07,1962

Birth - PLACE: WESTCHESTER/FORDHAM HOSP/UNIV [12:03am]

CITY: BRONX, NY SS#:112-46-6990

MONETARY DAMAGE: (\*250,000,000)

:TWO HUNDRED & FIFTY MILLION DOLLARS

Your Honor: This is a copy of what I sent the above with some Facts.

Target Date: October 24, 2014. Thank You!

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	CHART #1	Urine Time To 1 2	Urine Time From 1 2	Utime Vol. 4 2	2 hr. mg %	11/2 hr. mg"?	l hr. mg~	' 15 hr. mg%	78 [] Glucose Tol.FBS mg #	27 Glucose (fast) mg 78	76 Glucose (FBS) mg%	25 Creatin	h liulin Ch.	15 Lend	Uric Acid	13 PBI	32 Great, Clear	31 2 Creat, Clear	30 1 Creat. Clear ml/min	23 Creatinine mg%		21 Alk. P'tse Units	CODE TEST Results	P 55	PEDIATRICS CHEMISTRY LAB
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b.	Montefiore Hospital and Medical Center BRONX, NEW YORK 10467	The state of the s	
	NAME OF PATIENT FLYNN, JAMES S.S. NO. 112 46 699	0	1(2
	ADMITTED 6-20-74 DISCHARGED 7-3-74 SERVICE PED 2	·	
	PRIVATE PHYSICIAN DR. L. FINBERG RESIDENT DR. J. KI.	EIN	4 3
	This is one of many MHMC admissions for this 12 year white male admitted electively for bilateral ureteral reimplantations.	<b>01</b> d	
	The patient was admitted to this hospital three weeks for flant pain and dysuris and was found to have acut pyelonophritis. IVP showed an area of decreased visualization in the upper pole of the right kidney. Severe ureteral reflux was noted, massive on the right	e	
•	The infection was E. coli resistant to Ampicillin which resolved on IV Gantrisin. The patient has been on or Gantrisin since and no recurrence of symptoms. Urine culture on 6-18 was negative.	al	CA
	PAST MEDICAL HISTORY: Remarkable for pneumonia at agrequiring admission; pneumonia with high fever, quest encephalitis with seizure. Abnormal EEG at age 9. The patient was hospitalized with normal skull x-rays, he has been off Phenobarb X 2 years and recently had EEG.	Lonable	LA L
	FAMILY HISTORY: Unremarkable.		
	SOCIAL HISTORY: Unremarkable.		
	REVIEW OF SYSTEMS: Unremarkable.		
•	PHYSICAL EXAMINATION: An alert, well-nour shed, well-developed, white male in no acute distress. Vital signal blood pressure 110/70, respirations 16, pulse 80, temp 98.6. The skin is without lesions. HEENT: Eyes: Puequal and reactive to light. Full range of motion.	ins:	別目
	benign. Tympanic membranes benign. Pharynx benign.  Neck without masses. Chest is clear. Heart: Regular Grade 1/6 systolic ejection murmur at the lover left	sternal	S
	border, no radiation. The abdomen is soft without man Liver and spleen not palpable. Genitalia: Normal ear pubertal male. Testes descended. Extremities normal Neurological intact.	ly	
	INITIAL IMPRESSION: Pyelonephritis. Bilateral uretaral reflux.	] {}	$\widetilde{N}$
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Status post-seizure disorder.		LYL

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	# 00172-LAP: Document 8 Filed 04/28/14 Page 5 # 44
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ADMITTED 6/1	12/69 DISCHARGED 6/20/69 SERVICE Ped. Private
PRIVATE PHÝSICI	ian Dr. M. Ereeman RESIDENT Dr. R. Sacha
	-5 ÷
CONDITI	ION ON DISCHARGE: Satisfactory
PROGNOS	SIS: Satisfactory
RECOMME	ENDATIONS: To be followed up in Neurology Clinic.
	taran da antara da a
DIAGHOD.	Right sided unilateral calcifica cheronoplexus
Dr. R.	Sachs: sk Signed by Resident; Colert & Sacho M.D.
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NATIONAL ARCHIVES and RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001 www.arch(ves.gov

December 12, 2013

James Flynn III AN9064/05-123; CSATF PO Box 5242 Corcoran, CA 93212

Dear Mr. Flynn:

This is in response to your November 8, 2013, Freedom of Information Act request (RD-41747) for information relating to Department of Health and Human Services (HHS) records relating to their participation in, and investigation of, human medical experimentation and human radiation experimentation performed at Montefiore Medical Center in Bronx, New York, under the supervision of the Department of Defense (DoD) and the Department of Energy (DoE) prior to 1974. We received your request on December 9, 2013.

The Advisory Committee on Human Radiation Experiments (ACHRE) was created by President Clinton on January 15, 1994 to investigate and report on the use of human beings as subjects of federally funded research using ionizing radiation. It pulled in records from the agencies under investigation and those records remain in Record Group (RG) 220, Records of Temporary Committees, Commissions, and Boards. In RG 220, A1 Entry 42100H, Advisory Committee On

Human Radiation Experiments (ACHRE), Research Document Library. We have 14 cartons of records from HHS relating to human radiation experimentation. We also have an additional (accord) carton of files that relate specifically to activities at Montefiore Medical Center. All of these records are open and available for public review at our College Park, Maryland, facility. We can also arrange to photocopy these files for you. Although given the amount of pages involved (45,000+) this would be very expensive

We do not consider this response a denial under the Freedom of Information Act because the records you are seeking are open and available to the public. If you consider this an adverse response, you may appeal by writing to the Deputy Archivist (ND), National Archives at College Park, 8601 Adelphi Road, College Park, Maryland, 20740-6001, and explain why you think our search does not meet the requirements of the FOIA.

We regret-that-we could not be of more assistance to you. If there are any further questions, the staff of the Archives II Reference Section would be pleased to help. We may be contacted by writing to the Archives II Reference Section (RDTR2), The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001.

GENE MORRIS

Archives II Reference Section (RDTR2)



NATIONAL ARCHIVES and RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001 www.archives.gov

January 28, 2014

James Patrick Flynn III AN9064/05-123; CSATF PO Box 5242 Corcoran. CA 93212

Dear Mr. Flynn:

This is in response to your January 5, 2014, Freedom of Information Act request (RD-42163) for information relating to the records of the Advisory Committee on Human Radiation Experiments (ACHRE), pertaining to Montefiore Hospital in Bronx, New York, circa June 1969, as well as information about the policies of the National Archives and Records Administration. You also requested information on any records relating to human medical experimentation and research into radioactive, biological, and chemical agents including experimental drugs used for warfare and interrogation purposes performed at Montefiore Hospital under the supervision of the Department of Health and Human Services (HHS), Department of Defense (DcD), the Central Intelligence Agency (CIA), the Department of Justice (DoJ), and the Department of Energy (DoE). You are also seeking information on United States Senate investigations in MKULTRA, MKDELTA, MKNAOMI, and other CIA/DOD programs aimed at mind control and interrogation. We received your request on December 9, 2013.

The ACHRE records discussed in our earlier letter are not available online in any format. You will have to order copies of the documents in question or send someone in to look through the records. The carton of files that relates specifically to Montefiore Hospital contains roughly 3000 pages. The Freedom of Information Act does not obligate federal agencies to conduct research for the requestor. As a matter of policy, the National Archives is staffed to assist researchers with their work, but not to undertake substantive research for them. The fee schedule of the National Archives is available online at: <a href="http://www.archives.gov/research/order/fees.html">http://www.archives.gov/research/order/fees.html</a>. National Archives does not provide copies with charging. We have a minimum charge of \$20 for 25 pages or less. Above 25 pages, we charge \$0 cents per page.

The 14 cartons we previously identified in Record Group (RG) 220, Records of Temporary Committees, Commissions, and Boards, A1 Entry 42100H, Advisory Committee on Human Radiation Experiments (ACHRE), Research Document Library, are all the records we can identify as relating to human experimentation. There may be additional information on Senate investigations in the Center for Legislative Archives. You can write to them at: Center for Legislative Archives, 700 Pennsylvania Ave., NW, Washington, DC 20408.



NATIONAL ARCHIVES and
RECORDS ADMINISTRATION
8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Your request for additional records relating to human medical experimentation and research at Montefiore Hospital undertaken by CIA, DoD, DoE, DoJ, or HHS fails to meet certain tests of the FOIA. You have requested a broad search of multiple record groups rather than describing specific documents within those record groups. The Freedom of Information Act does not obligate federal agencies to do research for the requestor. As a matter of policy, the National Archives is staffed to assist researchers with their work, but not to undertake substantive research for them.

We do not consider this response a denial under the Freedom of Information Act because the records we discussed previously are open and available to the public and your request for additional records is too broad.

If you consider this an adverse response, you may appeal by writing to the Deputy Archivist (ND), National Archives at College Park, 8601 Adelphi Road, College Park, Maryland, 20740-6001, and explain why you think our search does not meet the requirements of the FOIA.

We regret that we could not be of more assistance to you. If there are any further questions, the staff of the Archives II Reference Section would be pleased to help. We may be contacted by writing to the Archives II Reference Section (RDTR2), The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001

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Sincerely,

GENE MORRIS

Archives II Reference Section (RDTR2)

Textual Archives Services Division



## Department of Energy

Office of Scientific and Technical Information
Post Office Box 62
Oak Ridge, Tennessee 37831

October 21, 2013

Re: DOE Appeal # FIA-13-0070

: Nucleur Regulatory Comm. # FOIA-2014-00032

Penaling: U.S. Senate

: LL.S. House of Rep.

: Dept. of Defense

: Dept. of Justice

: Dept. of Health and Human Services

¿ Central Intelligence Agency

Mr. James Flynn III AN9064/D5-123; CSATF P. O. Box 5242 Corcoran, CA 93212

Re: OSTI-2014-00075-F

Dear Mr. Flynn III:

This is in final response to the request for information that you sent to the Department of Energy (DOE) Office of Scientific and Technical Information (OSTI) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for specific information from DOE pertaining to:

- 1. Victims of Radiation Experimentation Act (Pre 1971)
- 2. Children sold for medical experimentation (Pre June 27, 1969)
- 3. Transfer of Radioactive Material Records (1947 through 1971)
- 4. For experimental and/or scientific use
- Montefiore Medical Center, Bronx, NY 10467
- Albert Einstein College of Medicine, Bronx, NY 10461
- Yeshiva University, New York, NY 1033-3201

A search was conducted of the files of this office. As result of the search, the following Web sites were identified:

- Most of the human radiation experiments have been declassified and an entire DOE website has been established at: <a href="http://www.hss.energy.gov/HealthSafety/phre/index.html">http://www.hss.energy.gov/HealthSafety/phre/index.html</a>
- A "Spotlight" on human radiation experiments documents is available on OpenNet at <a href="https://www.osti.gov/opennet/spotlight.jsp">https://www.osti.gov/opennet/spotlight.jsp</a>.
- DOE/EH-0491 "Human radiation experiments associated with the US Department of Energy and its predecessors" and can be found at <a href="http://www.osti.gov/scitech/biblio/93493">http://www.osti.gov/scitech/biblio/93493</a>. This document lists 6 studies at Montefiore Hospital.
- DOE/EH-0445 provides a listing of the records collected and available on human radiation experiments. The URL address is <a href="http://www.osti.gov/scitech">http://www.osti.gov/scitech</a>.

• DoD has a page on their human radiation experiments. The "related sites" page from the HHS site is at <a href="http://www.hss.energy.gov/HealthSafety/ohre/related.html">http://www.hss.energy.gov/HealthSafety/ohre/related.html</a> and also see <a href="http://www.defense.gov/pubs/dodhre/index.html">http://www.defense.gov/pubs/dodhre/index.html</a> (DoD report)

Pursuant to 10 CFR 1004.8, you may challenge the adequacy of the search for responsive documents by submitting a written appeal to the Director, Office of Hearings and Appeals, at HG-1/L'Enfant Plaza Building, U.S. DOE, 1000 Independence Avenue, SW, Washington, DC 20585-1615. You should submit the appeal within 30 calendar days of receipt of this determination.

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. The appeal must contain the elements required by 10 CFR 1004.8, including a copy of this letter. Judicial review will thereafter be available (1) in the district where you reside; (2) in the district where you have your principal place of business; (3) in the district where the DOE records are located; or (4) in the District of Columbia.

I appreciate the opportunity to assist you. If you have any questions about the processing of the request or about this letter, please contact Ms. Madelyn Wilson on (865) 576.8408.

Sincerely,

Madelyn M. Wilson

FOIA Officer

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· Can the Courts be used to order the release of all relevant info.?

· Any help you can provide will be appreciated. Thank You! & F. Fly

Human radiation experiments associated with the US Department of Energy and its predecessors (Jul. 1995)

This document contains a listing, description, and selected references for documented human radiation experiments sponsored, supported, or performed by the US Department of Energy (DOE) or its predecessors, including the US Energy Research and Development Administration (ERDA), the US Atomic Energy Commission (AEC), the Manhattan Engineer District (MED), and the Office of Scientific Research and Development (OSRD). The list represents work completed by DOE's Office of Human Radiation Experiments (OHRE) through June 1995. The experiment list is available on the Internet via a Home Page on the World Wide Web (http://www.ohre.doe.gov). The Home Page also includes the full text of Human Radiation Experiments. The Department of Energy Roadmap to the Story and the Records (DOE/EH-0445), published in February 1995, to which this publication is a supplement. This list includes experiments released at Secretary O'Leary's June 1994 press conference, as well as additional studies identified during the 12 months that followed. Cross-references are provided for experiments originally released at the press conference; for experiments released as part of The DOE Roadmap; and for experiments published in the 1986 congressional report entitled American Nuclear Guinea Pigs: Three Decades of Radiation Experiments on US Citizens.

An appendix of radiation terms is also provided.

Associated with the U.S. Department of Energy and Its Predecessors

### OT-68. Metabolism Studies Using Strontium-85 and Calcium-45

DURING THE MID-1950s, researchers at Columbia University and Montefiore Hospital in New York City conducted metabolism studies using strontium-85 (Sr<sup>85</sup>) and calcium-45 (Ca<sup>45</sup>). The purpose of these studies was to obtain data that might be relevant to the metabolism of strontium-90, a product of nuclear fission.

Twelve hospital patients ranging in age from 49 to 72 years, including 10 terminally ill cancer patients, participated as subjects. The cancer patients received simultaneous intravenous injections of 1.5 microcuries of Sr<sup>35</sup> and 0.4 microcurie of Ca<sup>45</sup> per kilogram of body weight. The other two patients received only one injection of either Sr<sup>35</sup> or Ca<sup>45</sup>.

These studies showed that the isotopes were evenly divided between bone and soft tissue shortly after administration, but after 4 months, 99 percent of the Sr<sup>85</sup> and Ca<sup>45</sup> remaining in the body resided in bone. This work was supported by the U.S. Atomic Energy Commission. (This experiment was referenced in the Markey report.)

#### References

Schulert, A.R., E.A. Peets, D. Laszlo, H. Spencer, M. Charles, and J. Samachson. "Comparative Metabolism of Strontium and Calcium in Man." *International Journal of Applied Radiation and Isotopes*. Vol. 4, 1959, pp. 144–153.

#### OT-69. Strontium Metabolism Studies Using Strontium-85

DURING THE MID-1950s, researchers at Montefiore Hospital in New York City conducted studies on the human uptake, distribution, and excretion of strontium using strontium-85 (Sr<sup>85</sup>). These studies arose from concerns about human hazards from strontium-90, a nuclear fission product.

Four hospital patients participated as subjects. Each subject received two intravenous injections of 0.1 to 0.4 microcurie of Sr<sup>85</sup> per kilogram of body weight: one injection with stable calcium, and one without. Urine, feces, and plasma samples were analyzed over the next 48 hours for Sr<sup>85</sup>. One subject underwent a second series of

tests in which the injections were administered over a 5-hour period.

The results of these studies showed that strontium levels in plasma declined rapidly, that the kidneys are the main excretion route, that rate of excretion depends upon bone metabolism rate, and that simultaneous administration of calcium enhances strontium excretion. This work was supported by the U.S. Atomic Energy Commission.

#### References

Spencer, H., M. Brothers, E. Berger, H.E. Hart, and D. Laszlo. "Strontium-85 Metabolism in Man and Effect of Calcium on Strontium Excretion." In *Proceedings of the Society for Experimental Biology and Medicine*. Vol. 91, January–April 1956, pp. 155–157.

# OT-70. Studies on EDTA and Strontium Excretion Using Strontium-85

During the Mid-1950s, researchers at Montefiore Hospital in New York City conducted studies on the effect of ethylenediaminetetraacetic acid (EDTA) on the excretion of strontium in humans using strontium-85 (Sr<sup>85</sup>). One female and two male cancer patients ranging in age from 40 to 70 years participated as subjects.

Each subject received two intravenous injections of 0.1 to 0.4 microcurie of Sr<sup>85</sup> per kilogram of body weight, accompanied by several intravenous injections of EDTA over several days. Strontium-85 activity was measured in plasma, urine, and fecal samples collected over the course of the study.

The results of these studies showed an inhibition of urinary excretion of Sr<sup>85</sup> when EDTA was administered, followed by an excess excretion when the EDTA was discontinued. This work was supported by the U.S. Atomic Energy Commission.

#### References

Spencer, H., J. Samachson, and D. Laszlo. "Effect of Ethylenediaminetetraacetic Acid on Radiostrontium Excretion in Man." In *Proceedings of the Society for Experimental Biology and Medicine*. Vol. 97, January–April 1958, pp. 565–567.

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CSATF/STATE PRISON AT CORCORAN P.O. Box 5242

CORCORAN, CA 93212

NAME James P. Flynn III.
NUMBER ANGOLT
HOUSING DS- 229

Docket Services Pro Se Office / Clerk The Honorable Chief Judge Loretta A. Preska United States District Court (SDKV)

4.S. Courthouse, 500 Pearl St.

New York, NY 10007

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